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NOV 2 4 2008

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In re: Gow Communications, LLC (Gow)

KGOW(AM), Bellaire, Texas

Facility ID No. 17389

File No. BMP-20070510AAF Petition for Reconsideration

## Dear Mr. Friedman:

This letter is in reference to: the above captioned application filed by Gow to modify nighttime construction permit BP-20060118ADS by changing nighttime site and night pattern; the October 10, 2007, Petition for Reconsideration and electronic amendment filed in response to our September 18, 2007 action dismissing the application due to nighttime KOCY problem; and the November 9, 2008, amendment to reduce power from 19 kW to 15 kW and change all tower orientations.

In the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was dismissed and where a relatively minor curative amendment was filed within 30 days of the date of the dismissal. The October 10, 2007, Petition for Reconsideration was filed within 30 days of the dismissal of the application, and contained an amended application which eliminated the nighttime KOCY problem. As a result, we find that the resubmitted application is in compliance with the August 2, 1984 Public Notice.

Based upon the foregoing, the petition for reconsideration IS GRANTED and the application (File No. BMP-20070510AAF) IS HEREBY REINSTATED. No further action will be taken on the application until an acceptable amendment has been filed and reviewed to determine if all problems listed below have been resolved.

## Additional Deficiencies:

1. All nine nighttime tower registration database records must be corrected to show the NAD83 center of array coordinates (29° 54' 6.8"; 95° 48' 16.8"). It is noted that the proposed NAD27 site coordinates (29° 54' 06"; 95° 48' 16") when converted to NAD83

yield (29° 54' 6.8"; 95° 48' 16.8"). In addition, all nine individual tower coordinates previously submitted must be updated by having a new site survey done and the new coordinates for each tower updated in the tower registration database since all orientations were changed in the October 9, 2008 amendment.

2. A new nighttime site plat exhibit must be submitted since the nighttime pattern was changed by reducing power and changing all tower orientations. In addition, any future amendment should either remove all old superseded exhibits, or include one PDF attachment containing all exhibits that apply to current proposal to clarify what exhibits are still applicable. For example, the October 9, 2008 amendment contained multiple exhibits labeled May 2007 amendment, February 2008 amendment, and October 8 amendment, but all pertinent exhibits that apply to the current proposal were not included.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide an opportunity to file a curative electronic amendment. Failure to amend or respond with a formal request for additional time will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's Rules.

Sincerely,

Son Nguyen

Supervisory Engineer

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Audio Division Media Bureau

cc: Bob Morrow

David F. Gow, President